

DETAILED ACTION

This office action is in response to applicant's amendment filed on November 7, 2008.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Double Patenting

1. Claims 17, 19-20 and 22 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. 5,941,265, and claims 1-7 of US Patent No. 6,766,815, and claims 1-23 of U.S. Patent No. 6,499,498, and claims 1-12 of U.S. Patent No. 6,684,894 for the same reasons set forth earlier office action mailed August 8, 2008.

Claim Rejections - 35 USC § 102

2. Claims 17, 20, and 22 rejected under 35 U.S.C. 102(e) as being anticipated by Brady US Patent No. (5,137,044).

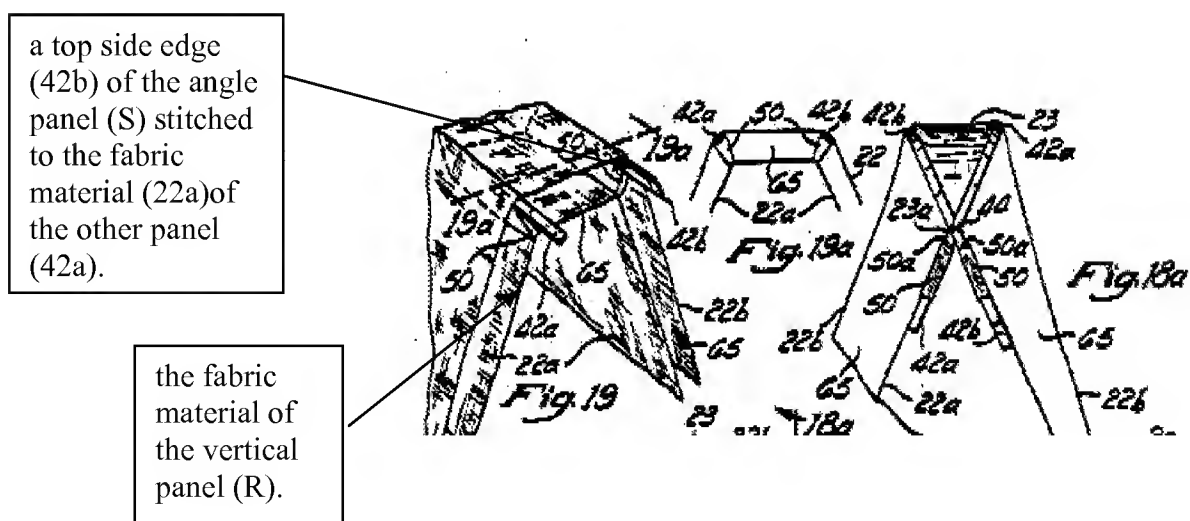
Brady teaches a collapsible structure comprising a first panel (R) and second panels (S) each having a loop of foldable frame member (42a, 42b) respectively, the foldable frame member having a folded and unfolded orientation, a fabric material (20, 22) covering each of the frame member to form a flat panel when the frame member is in the unfolded orientation, the fabric having a sleeve (50) extending along the edge of the panel to retain a portion of the frame member therein (see Figs. 7, 18a, 19, 19a), the frame member (42a or 42b) of each panel being retained within the sleeve (50) along the sides the fabric material respectively, each panel (R or S) is able to be collapsed to a small sized by twisting and folding the frame member (see Fig. 19), wherein one of the panel (i.e., R) is capably placed in a vertical orientation with a bottom

Art Unit: 3636

side contacts the horizontal surface when the structure is deployed on the horizontal surface, and with a top side (42b) of another panel (i.e., S) is stitched to the fabric material of the vertical panel (R) through the sleeve (50) such that the other panel (S) is positioned at an angle with respect to the horizontal surface and at an angle with respect to the vertical panel (R). (Notice, when the structure is in a fully erected position, the bottom side of one panel (i.e., R) is able to contact with the horizontal surface while the other panel (S) is able to place at an angle with respect to the vertical panel and at an angle with respect to the horizontal surface, and the bottom side of the other panel (S) is not necessary to be contacted with the horizontal surface).

Regard to claim 20, Brady teaches an opening (27) with a flap (27a) providing an amusement feature on the fabric (22) of either one of the panel.

Regard to claim 22, Brady's structure includes the two panels may have different sizes.



Claim Rejections - 35 USC § 103

3. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brady ' 044 as applied to claim 17 above, and further in view of McLeese (US Patent No. 4,858,634).

Brady teaches the collapsible structure having a base panel (28) comprising a fabric material mounted between the vertical panel and the angle panel for providing a base of the structure, but Brady does not define the base panel having a foldable frame coupled to the fabric material. McLeese teaches a collapsible structure comprising a base panel comprising a foldable frame member (14) and a fabric material (68) coupling the frame member (14) to form a flat panel for providing a base support to the structure. It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the collapsible structure of Brady having the base panel formed by a foldable frame member coupled by a fabric material as taught by McLeese for providing a stabilizing base support to the structure.

Response to Arguments

4. Applicant's arguments filed on November 7, 2008 have been fully considered but they are not persuasive for the reasons set bellow:

In response to applicant's argument that Brady does not teach certain features of applicant's invention such as "the angled panel has a side edge with is stitched to the fabric material of the vertical panel at an angle with respect to the vertical panel when the structure is in a fully erected position" as claimed no, it is not deemed persuasive. As explained and applied above rejections, Brady teaches two panels (20) each having a fabric (22a and 22b) having a sleeve (50) extending along the edge of the panel to retain a corresponding frame member (42a,

Art Unit: 3636

42b) therein, the foldable frame members of two and the panels are separated each other, the two panels may be connected together by connecting the sleeves (50) at the top edges of the panels either by pieces of fabrics (65) (see Fig. 19) or directly by stitching (44) (see Fig. 18a).

Therefore, one of the panel (i.e., R) is able to be placed as a vertical panel with the bottom side contacts the horizontal surface, while the other panel (S) has a top side edge stitched to the fabric material of the vertical panel to form an angle panel positioned at an angle with respect to the vertical panel and to the horizontal surface as claimed. In the examination, it is reasonable to broadly interpret that Brady teaches the tent having the top side edge of the one panel (S) being coupled to the fabric material (22a) of the another panel (R) directly or indirectly by stitches. Wherein, when the structure is in a fully erected position, the bottom side of one panel (i.e., R) is able to contact with the horizontal surface such as the ground surface while the other panel (S) is able to place at an angle with respect to the vertical panel and at an angle with respect to the horizontal surface, and the bottom side of the other panel (S) is not necessary to be contacted with the horizontal surface since it is not claimed. Therefore, the claimed invention is anticipated by the structure of Brady.

Therefore, the rejections are still granted.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

Art Unit: 3636

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Winnie Yip/
Primary Examiner,
Art Unit 3636

wy
February 26, 2009